

**RULES AND PROCEDURES FOR THE
MAYOR AND COUNCIL OF ROCKVILLE**

I. AUTHORITY

These rules are adopted pursuant to the authority provided in Article II, §2.c. of the Charter of the Mayor and Council of Rockville.

II. MEETING AGENDA

Modifications to the agenda by members of the Mayor and Council may be made in the following manner:

A. At the request of two or more members of the Mayor and Council, an item shall be placed on the agenda for consideration at a future meeting.

B. At the commencement of a Mayor and Council meeting, under Agenda Review, upon motion duly made and seconded, and upon the affirmative vote of four members of the Mayor and Council, an item may be removed from the meeting agenda.

[II] III. MAYOR AND COUNCIL MEETINGS

The Mayor and Council shall provide public notice of the time, location, and date of its meetings. All meetings of the Mayor and Council shall have a written, published agenda. Except for recognitions, proclamations, appointments and citizens' forum, each agenda item shall be presented and considered as follows:

A. The Mayor shall announce the agenda item number and read the description contained in the published agenda.

Attachment A

Rules and Procedures

Approved: April 21, 2008

Amended _____

B. Following the announcement of the agenda item by the Mayor, the Mayor will invite the City Manager, or an appropriate staff person, to comment or provide a report on the agenda item then before the Mayor and Council.

C. Upon conclusion of any report or comments by the City Manager, or member of the staff, the Mayor shall ask members of the Mayor and Council if they have any questions to ask the City Manager or staff.

D. For those public hearing agenda items, the Mayor and Council shall follow the procedures in the attached "Procedures for Public Hearings."

E. Once the staff has concluded its presentation, the Mayor may request a motion from a member of the Mayor and Council or, in cases where the Mayor determines that discussion is advisable prior to entertaining a motion, in order to better vet or frame the proposition to be acted upon, the Mayor may so indicate and defer calling for a motion until there has been some preliminary discussion.

F. When a motion is made, the Mayor shall determine if any member wishes to second the motion. Any motion that is not seconded will die for lack of a second.

G. Once a motion is made and seconded, the Mayor will invite discussion of the motion by members of the Council. If no discussion is desired, or once the discussion has ended, the Mayor shall announce that a vote will be taken on the motion.

H. The Mayor takes a vote by asking all those in favor of the motion to raise their hands and, if not all members vote in favor of the motion, then the Mayor will request those

voting against the motion to raise their hands. If a member neither votes for nor against a motion, the Mayor will then ask if there are any members wishing to abstain. Except as provided in Section II.B. [A] a simple majority determines whether the motion passes or is defeated. A majority shall constitute three members of the Mayor and Council.

[III] IV. MOTIONS SUBJECT TO DEBATE

The following motions shall be debatable:

A. Main Motions

A main motion is a motion that puts forward a proposition, decision or action for adoption by the Mayor and Council.

B. Motions to Amend a Main Motion

A motion to amend a main motion, seeks to amend, alter or change, in some way, a main motion that is presently pending before the Mayor and Council.

When the Mayor and Council are ready to vote on a motion which has been subject to an amendment, the Mayor and Council shall first vote on the amendment and, if the amendment passes, then the Mayor and Council will then proceed to vote on the motion as amended. In the event that the amendment does not carry, then the Mayor and Council will consider and vote on the main motion.

C. Motion to Reconsider

A motion to reconsider may be only made by a member who voted in the majority for the original motion which is sought to be reconsidered. A motion to reconsider must be made either

at the meeting where the item sought to be reconsidered was first voted upon, or at the very next meeting of the Mayor and Council.

D. Motion to Suspend the Rules

A motion to suspend the rules allows the Mayor and Council to suspend its rules for a particular purpose such as to allow debate on a motion which is non-debatable or to permit some other type of action which is not otherwise permitted by these rules and procedures. The Mayor and Council may only act to suspend its adopted rules and procedures, not the requirements contained in State law, the City's Charter, or the City Code.

[IV] V. MOTIONS NOT SUBJECT TO DEBATE

Although most motions before the Mayor and Council are subject to discussion and debate, there is a limited category of motions that are non-debatable and include the following:

A. Motion to Adjourn

If a motion to adjourn passes, the Mayor and Council meeting is immediately adjourned to the next regularly scheduled meeting.

B. Motion to Recess

If a motion to recess passes, the Mayor shall declare a recess and indicate the time that the Mayor and Council will be in recess.

C. Motion to Establish Time for Adjournment

If a motion to establish a time for adjournment passes, the Mayor and Council meeting is adjourned to the time specified in the motion.

D. Motion to Table

If a motion to table passes, discussion of the item is halted and the agenda item is placed on hold. If the motion contains a specific date to bring the matter back before the Mayor and Council, then the matter will be brought back at the designated time. If, however, no specific time for the return of the item to the Mayor and Council is designated in the motion, a motion will be required at a future meeting to take the matter off the table and bring it back before the Mayor and Council at a future meeting.

E. Motion to Call the Question for Vote

If a motion to call the question for a vote passes, then discussion on the item stops and a vote is taken.

F. Motion to Limit Debate

If such a motion to limit debate passes, the amount of time to debate will be limited to the amount of time set forth in the motion.

G. Withdrawal of a Motion

At any time during debate and discussion, the maker of a motion may interrupt a speaker to withdraw his or her motion. The motion is then immediately deemed withdrawn without the need for a second.

[V] VI. POINTS OF ORDER AND APPEAL

Members of the Mayor and Council may interrupt a speaker under the following circumstances:

A. Point of Order

A member of the Mayor and Council can interrupt the speaker and raise a point of order. If a point of order is raised, the Mayor would ask the person making the point of order to explain his or her point of order. After considering the point of order, the Mayor rules in favor or against the point of order.

B. Appeal

If the Mayor makes a ruling with which a member of the body disagrees, the member may appeal the ruling of the Mayor. This appeal must be made immediately after the ruling is made. If the appeal is seconded, and after debate and discussion as in the case of a main motion, if the appeal passes, the ruling of the Mayor is reversed. If the appeal of the ruling of the Mayor does not pass, the ruling of the Mayor is sustained.

[VI] VII. ROBERT'S RULES OF ORDER

The current version of Robert's Rules of Order shall govern all questions of procedure not otherwise provided for in these rules, by Federal or State law, the City Code or City Charter.

[VII] VIII. CONFLICTS WITH FEDERAL, STATE LAW, CITY CODE OR CITY CHARTER

To the extent that any rules and procedures set forth herein conflict with Federal, State, or City laws, then Federal, State or City law shall control.

PROCEDURES FOR PUBLIC HEARINGS

Public hearings shall be conducted in the following manner:

1. The Mayor announces the commencement of the public hearing by reading the agenda item.
2. The Mayor asks the City Clerk if the public hearing has been properly advertised.
3. The Mayor asks the City Manager if the Staff has a presentation and the Staff will make a presentation or the City Manager will state that the Staff does not have a presentation.
4. In the case of a land use matter, the Planning Staff will give its presentation and inform the Mayor and Council of the recommendation of the Planning Commission.
5. In the case of a land use matter, the applicant is recognized (if the applicant is not the Mayor and Council), to make its presentation.
6. The Mayor then proceeds to call the names of those persons and organizations listed on the speaker's list. Individuals are permitted to speak for three minutes and representatives of organizations are permitted to speak for five minutes. Before the first citizen speaks, the Mayor advises those present that individuals will have three minutes to speak and representatives of organizations will have five minutes to speak. In the event that the speakers require more than the allotted three or five minutes to present their testimony, they can submit the balance of their comments in writing for submission into the record.

In general, there are two types of proceedings, legislative and quasi-judicial, which are the subject of public hearings before the Mayor and Council. Legislative proceedings include text amendments to the zoning ordinance as well as other legislative enactments that involve the consideration of legislative policies that apply throughout the City.

Quasi-judicial proceedings are proceedings that typically apply to either a particular person or property, as opposed to the entire City and, as such, trigger certain due process requirements that afford those persons particularly affected broader participation rights in the public hearing process than outlined above. For example, in a quasi-judicial proceeding, a party is entitled to a sufficient period of time to present its case to the Mayor and Council. In a quasi-judicial proceeding, the Mayor and Council are typically called upon to make findings and determinations based upon the record produced in the proceedings. If timely requested, parties should be afforded a reasonable opportunity to question speakers.

Another important distinction between legislative hearings and quasi-judicial hearings involves ex parte communications. Briefly stated, an ex parte communication is a communication by either a party or an interested person to a member of the Mayor and Council outside the public hearing. These types of communications can be written or oral and can be by telephone call, personal contact, email, regular mail, or any other type of communication directed either to a single member of the Mayor and Council or to some or all members of the Mayor and Council. The Mayor and Council should avoid telephone calls, emails and meetings with parties or interested persons for those types of proceedings which are quasi-judicial in nature, which typically are specific land use actions such as applications for local map amendments or special development procedures, after an application is filed. Not only is it important from a legal standpoint to avoid ex parte communications in conjunction with quasi-judicial proceedings but, from a practical standpoint, operating from a common public record provides a fair and orderly process in which to consider and act on a particular matter. If one member of the Mayor and Council is presented with specific information pertinent to an application in a quasi-judicial proceeding that is not shared with the rest of the Mayor and Council and the public at large, including any parties in interest, this can frustrate the process since the other members of the Mayor and Council would not have the benefit of this information and, in addition, the parties in interest would not have an opportunity to comment on the information. By providing for the information to be presented in a manner which promotes the free flow and dissemination of information in the context of a public record, all parties are afforded an equal opportunity to comment and address issues and facts that are raised in a particular case, thereby better enabling the Mayor and Council to formulate its decision based upon the record.

7. In the conduct of hearings, the Mayor has the discretion to limit the presentation of unduly repetitious testimony, and to otherwise conduct the hearing so that it proceeds in an orderly and fair manner. When all those persons wishing to speak have concluded their presentations, the applicant in a land use case is offered an opportunity to present any rebuttal testimony or evidence that may be appropriate.

8. Once those persons wishing to testify have finished, the public hearing is closed and the record remains open for the length of time designated by the Mayor for the receipt of additional public comment. Once the record has closed, the matter is typically brought back on the agenda for decisions and instructions to staff.

NOTE: [Brackets] indicate material deleted.
Underlining indicates material added